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06-26-01 844

Practitioner's Docket No. 8G09.1-011

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

**OR**

In re application of: MARCOCCIA ET AL.

Application No.: 09 / 879,391

Group Art Unit:

Filed: June 12, 2001

Examiner:

For: "SYSTEM AND METHOD FOR IMPROVED FILTRATE  
ADDITION IN A CONTINUOUS DIGESTER"

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b).

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: July 25, 2001

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Kimberly Leitz  
Signature  
Kimberly Leitz  
(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 2)

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

  
SIGNATURE OF PRACTITIONER

Matthew D. Josephic  
(type or print name of practitioner)

Reg. No.: 43,699

Tel. No.: (770) 984-2300

Customer No.: 23506

Paper Mill Village, Bldg. 23  
P.O. Address  
600 Village Trace, Suite 300  
Marietta, Georgia 30067

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office  
Action [6-3]—page 2 of 2)

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
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**Complete if Known**

Application Number	
Filing Date	July 25, 2001
First Named Inventor	MARCOCCIA ET AL.
Group Art Unit	
Examiner Name	
Attorney Docket Number	8G09.1-011

## U.S. PATENT DOCUMENTS

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		2,263,888		RICHTER	11-25-1941	
		2,359,543		BRANZELL ET AL.	10-03-1944	
		2,414,062		RICHTER	01-07-1947	
		2,474,862		RICHTER	07-05-1949	
		2,938,824		RICHTER	05-31-1960	
		2,999,785		RICHTER ET AL.	09-12-1961	
		3,007,839		RICHTER	11-07-1961	
		3,088,306		RICHTER	05-07-1963	
		3,200,032		RICHTER ET AL.	08-10-1965	
		3,913,838		RICHTER	10-21-1975	
		5,401,361		PROUGH ET AL.	03-28-1995	
		5,489,363		MARCOCCIA ET AL.	02-06-1996	
		5,536,366		MARCOCCIA ET AL.	07-16-1996	
		5,547,012		MARCOCCIA ET AL.	08-20-1996	
		5,575,890		PROUGH ET AL.	11-19-1996	
		5,620,562		MARCOCCIA ET AL.	04-15-1997	
		5,635,026		KETTUNEN ET AL.	06-03-1997	
		5,662,775		MARCOCCIA ET AL.	09-02-1997	
		5,674,359		CHASSE ET AL.	10-07-1997	
		5,753,075		STROMBERG ET AL.	05-19-1998	

**FOREIGN PATENT DOCUMENTS**

[illegible]

Examiner  
Signature

Date  
Considered

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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